

ASSIGNEE'S SALE

**563 ± ACRE MODERN DAIRY FARM
THURMONT & EMMITSBURG
ELECTION DISTRICTS, FREDERICK CO., MD.**

**Fronting on 4 Co. Rds. BOOK 50 PAGE 880
Old Frederick — Mud College
Orndorff & Hoover Mill Rds.**

Under and by virtue of a power of sale contained in a mortgage from Robert E. Muller and Ellen B. Muller, his wife dated June 18, 1976 and recorded in Liber 990, folio 536, one of the Land Records of Frederick County, Maryland, and under and by virtue of a power of sale contained in a mortgage from Robert E. Muller and Ellen B. Muller, his wife, dated June 13, 1979 and recorded in Liber 1085, folio 293, one of the Land Records aforesaid, which said two mortgages being in default and each having been assigned unto the undersigned Assignee for foreclosure, and at the request of the mortgagee, the undersigned will offer for sale at public auction on

WEDNESDAY, FEBRUARY 13, 1985

11:00 A.M.

Will be offered in 5 Parcels

& Then in Total

At Courthouse Door, Frederick City, Md.

PARCEL NO. 1 — DAIRY FARM containing 292 acres, more or less. All that tract of land conveyed unto Robert E. Muller and Ellen B. Muller, his wife, by deed from Howard R. Schafer dated June 18, 1976 and recorded in Liber 990, folio 531, one of the Land Records aforesaid; fronting on Old Frederick Rd. and Mud College Rd., and Hoover's Mill Rd. in Thurmont Election District, and containing 292 acres and 15 perches, more or less.

EXCEPTING THEREOUT AND THEREFROM 4.4 acres, more or less, conveyed by Howard R. Schafer unto Charles R. Ruby and Caythee Ruby, his wife, by deed dated November 29, 1974 and recorded in Liber 954, folio 271, and fronting on Hoover's Mill Rd., as shown on the hereinafter mentioned plat prepared by Rothenhoefer Engineers.

AND FURTHER EXCEPTING THEREOUT AND THEREFROM 2 acres, more or less, fronting on Old Frederick Rd., as shown on said plat, and

ALSO EXCEPTING THEREOUT 7.8 acres described in Parcel No. 2 herein mentioned, **LEAVING 278 acres,** more or less, designated as Parcel No. 1 and improved as follows:

Brick dwelling with 3 bedrooms, bath, living room, kitchen, hot water baseboard heat and other out-buildings, 2 Butler free-stall barns 150x50 each, containing 280 Frey Bros. free stalls, concrete alleys in barn, 60,000 more or less gal. liquid manure pit, Butler building 140x50 with double 8 milking parlor complex with 16 DeLaval milker units with automatic removal mechanism and #78 vacuum pumps, Girton 3,000 bal. milk tank, attached metal machine shed 140x30 and 30,000 more or less gal. manure pit, 3 Harvestores, (1) 20x80 and (2) 25x80 with unloaders, automatic Smith feeding system and 75x24 Butler feed building.

Development rights Parcel No. 1 were sold to Maryland Agricultural Land Preservation Foundation of the Department of Agriculture April 9, 1984.

PARCEL NO. 2 — All that lot or parcel of land fronting Old Frederick Rd. and Mud College Rd., containing 7.8 acres of land, more or less, designated as Lot No. 1, Section 1 on a plat entitled **MUD COLLEGE ESTATES** and recorded in Plat Book 10, folio 108, one of the Land Records of Frederick County, Maryland, and being the same real estate conveyed by Harry R. Ruby and wife, unto Robert E. Muller and Ellen B. Muller, his wife, by deed dated June 18, 1976 and recorded in Liber 990, folio 529, one of the Land Records aforesaid, and improved as follows:

Stone & brick ranch-type dwelling built in 1974 containing 4 bedrooms first floor, 1 bedroom and family room in basement area, 2½ baths, 2 fireplaces, kitchen with cabinets, oak flooring, electric forced hot air heat, and central air conditioning, attached 2-car storage area, and in-ground swimming pool.

PARCEL NO. 3 — All that tract of unimproved land fronting on Mud College Rd. conveyed unto Robert E. Muller and Ellen B. Muller, his wife, as Parcel #2 in a deed from Howard R. Schafer dated June 18, 1976 and recorded in Liber 990, folio 531, containing 112.729 acres, more or less, and under cultivation in 1984.

PARCEL NO. 4 — All that tract of land fronting on Orndorff Rd., Emmitsburg District, improved with stock barn, conveyed unto Robert E. Muller and Ellen B. Muller, his wife, as Parcel 1 in a deed from Ted T. Mercer, et al., dated October 3, 1977 and recorded in Liber 1031, folio 498, and containing 143 acres, 2 roads, 38 perches of land, more or less, and under cultivation in 1984.

PARCEL NO. 5 — All that tract of unimproved land fronting on Orndorff Rd. and Old Frederick Rd. conveyed unto Robert E. Muller and Ellen B. Muller, his wife, as Parcel 2 in a deed from Ted T. Mercer, et al., dated October 3, 1977 and recorded in Liber 1031, folio 498, and containing 21.8977 acres, more or less.

Parcels Nos. 3, 4 and 5 will be offered separately and each bid reserved; and then all five contiguous parcels will be offered as a whole for one bid.

The Assignee reserves the right to make said sale(s) in a manner so as to obtain the highest and best price for all of the real estate hereby offered.

TERMS OF SALE: (Parcel 1) A deposit of \$20,000.00 of sale price (Parcel 2) A deposit of \$5,000.00 of sale price (Parcel 3) A deposit of \$10,000.00 of sale price (Parcel 4) A deposit of \$15,000.00 of sale price (Parcel 5) A deposit of \$5,000.00 of sale price. (Parcels 1, 2, 3, 4 and 5 as one tract) A deposit of \$55,000.00 of sale price. All deposits will be required of the successful bidder at the time of each sale. All deposits will be in the form of Cashier's Certified or other checks acceptable to Assignee, payable or endorsed to Assignee. The Assignee reserves the right to reject bids from non-qualified bidders. The balance of purchase price for each parcel or for all five contiguous parcels as a whole tract shall be paid to the Assignee within ten (10) business days of the ratification of the sale(s) by the Circuit Court for Frederick County, Maryland (Unless postponed at the sole option of the Assignee), with interest to be paid on the unpaid balance of purchase price(s) from date of public sale to date of final settlement at the rate of 12½% per annum. Taxes and other public charges and assessments will be adjusted for the current year to date of sale and assumed thereafter by the purchaser(s).

Assignee reserves the right to withdraw the herein described real estate or any parcel from sale at any time.

In the event of default, the Assignee reserves the right to declare as forfeited the deposit of purchase price of any parcel or all five parcels as one tract as liquidated damages, or to resell the property at the purchaser(s) risk.

The property herein is being sold subject to all Federal, State and County laws, ordinances and regulations which may affect the property and its use, and including all conditions, restrictions and limitations and other matters of record.

All costs incident to the settlement and conveyancing including, without limitation, recording costs, taxes and transfer taxes, revenue stamps, survey expense, if any, document costs, settlement fees, as well as title insurance will be at the costs of purchaser(s) of each individual parcel or all five contiguous parcels as a whole. Purchaser(s) at foreclosure sale(s) are hereby notified that there may be associated as a cost of conveyance of each parcel or all five parcels as a whole, a State Agricultural Transfer Tax, and any said tax shall be at the cost of purchaser(s).

A plat of all real estate has been prepared by Rothenhoefer Engineers and is available for inspection at the offices of the undersigned Assignee, Attorney and Auctioneer. Inspection of the stone & brick rancher on Parcel No. 2 shall be arranged by contacting said Assignee, Attorney or Auctioneer for appointment within 1 week of sale.

MURRAY H. FOUT, Assignee
20 North Court Street
Frederick, Maryland 21701
Phone: (301) 663-4222

CHARLES A. CASTLE, ESQ.
Attorney at Law
19 North Court Street
Frederick, Maryland 21701
Phone: (301) 663-0022
James G. Trout, Auctioneer

TROUT AUCTIONEERS, INC.
15 North Court Street